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DOCKET FILE COPY ORIGINAL

December 2, 1993

By Hand

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: CC Docket No. 92-297

Dear Mr. Caton:

On behalf of Suite 12 Group ("Suite 12"), enclosed please find an original and (5) copies of its Opposition to the "Motion of Motorola Satellite Communications, Inc. for Leave to File Supplemental Comments," dated November 22, 1993.

Please direct any questions regarding this matter to the undersigned.

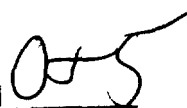
Sincerely,



Michael R. Gardner
Charles R. Milkis
Counsel for Suite 12 Group

Enclosures

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DEC - 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DEC - 2 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)	
)	
Rulemaking to Amend Part 1)	CC Docket No. 92-297
and Part 21 of the Commission's)	
Rules and Policies for)	RM-7872; RM-7722
Local Multipoint Distribution Service;)	
)	
Applications for Waiver of the)	
Commission's Common Carrier)	
Point-to-Point Microwave Radio)	
Service Rules;)	
)	
Suite 12 Group Petition for)	PP-22
Pioneer's Preference;)	
)	
University of Texas -)	
Pan American Petition for)	
Reconsideration of Pioneer's)	
Preference Request Denial)	

To: The Commission

**OPPOSITION OF SUITE 12 TO MOTION OF MOTOROLA SATELLITE
COMMUNICATIONS, INC. FOR LEAVE TO FILE
SUPPLEMENTAL COMMENTS**

Suite 12 Group ("Suite 12"), by its attorneys, hereby opposes the "Motion of Motorola Satellite Communications, Inc. ("Motorola") for Leave to File Supplemental Comments" ("Motion") filed on November 22, 1993 in the above-captioned proceeding.¹

¹ Motorola's Motion was served on Suite 12 by mail, and was not received until after the intervening Thanksgiving holiday.

Leave to file is not appropriate in this case, as Motorola has failed to demonstrate why it could not have submitted the arguments contained in its "Supplemental Comments" in a timely fashion. Motorola states that its "Supplemental Comments" have been filed in response to "new data" submitted by Suite 12 in its Reply Comments. Suite 12's Reply Comments were filed on April 15, 1993. Now, more than seven months later, Motorola apparently has submitted a response, with no justification for acceptance of the filing as "Supplemental Comments" so far outside of the authorized pleading cycle.² Consistent with Commission precedent, Motorola's Motion should be denied, and its untimely filing should not be formally considered in this proceeding. In a similar factual situation, the Commission's Office of Engineering and Technology refused to grant a motion for leave to accept supplemental comments filed almost five months after the Reply Comments to which they purportedly responded. See Amendment of the Commission's Rules to Establish New Personal Communications Services, Order (DA 93-1055), released August 30, 1993. Thus, at best, Motorola's "Supplemental Comments" should be considered as an informal, ex parte filing in this proceeding.

Nonetheless, whatever determination the Commission makes regarding the procedural treatment of Motorola's filing, Motorola's filing raises significant

² Section 1.415(d) of the Commission's Rules provides for the filing of comments and reply comments in rulemaking proceedings, and explicitly states that "[n]o additional comments may be filed unless specifically requested or authorized by the Commission. See 47 C.F.R. § 1.415(d).

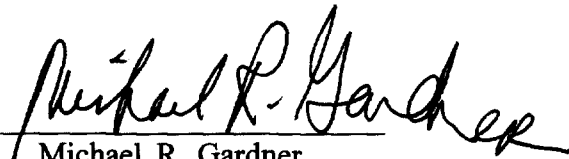
technical issues which Suite 12, in furtherance of its commitment to providing the Commission with accurate, relevant information in the record in this proceeding, will address. Suite 12 is in the process of reviewing Motorola's arguments, and preparing a technical response which will effectively rebut Motorola's untimely submission. Suite 12's response should be filed in this proceeding shortly.

Accordingly, based on the foregoing, the Commission should deny Motorola's Motion.

Respectfully submitted,

Suite 12 Group

By:



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December 2, 1993

CERTIFICATE OF SERVICE

I, Robert E. Aguas, hereby certify that the foregoing document was served by first-class mail, postage prepaid, this 2nd day of December, 1993 on the following persons:

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